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ABSTRACT

During the 1988-89 school year, two local school districts were placed into "Phase III" of the Kentucky Educational Improvement Act (1978), a category of state receivership in which much local decision-making power was transferred to Kentucky Department of Education officials. When state education department intervention occurs, major issues arise concerning policy and political problems; technical, financial, and legal concerns; and personnel matters. A major policy-political problem pertains to the state agency's stance--a "swat team" model may show some immediate gains, but a "carrot and stick" stance may produce better long-term results. The Kentucky state agency adopted a helping role as advisor, approver, and provider of technical assistance. Another policy-political consideration is the degree of intervention in the district's daily operations. Technical issues include establishing baseline data measuring progress, reporting mechanisms, and team composition. Financial issues involve assignment of fiscal responsibility and resources available to support the intervention process. Legal issues range from determining state intervention authority to personal liability problems. Perhaps the largest dilemma is the extent of state agency willingness and ability to address the issues of educational accountability and local control regarding children's interests. State education agencies must face the issues, resolve the dilemmas, and demand accountability to produce effective schools. Recommended intervention steps are provided. (10 references) (MLH)

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POLICY-TECHNICAL ISSUES WHEN STATES TAKEOVER LOCAL SCHOOL DISTRICTS

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Background

During the 1988-89 school year, at the direction of the Kentucky State Board of Education, two local school districts were placed into "Phase III" of the Kentucky Educational Improvement Act of 1978 (HB 202, 704 KAR 3:005), a category of state receivership in which many local decisions were supplanted by officials of the Kentucky Department of Education. In addition, several other local school systems near Stage III received state directed curriculum audits to reveal specific instructional management deficiencies (Steffy, 1989-90). These actions comprise the data base upon which the issues in this paper have been derived.

Dilemmas Facing State Agencies

When state education departments intervene in the operations of local school districts, major issues arise in the areas of policy-political problems, technical, financial and legal concerns, as well as a variety of personnel matters.

The first broad dilemma is a policy-political one and that pertains to the stance assumed by the state agency. Will state activities be directed towards providing "help" in the form of technical assistance, or will state department officials supplant local decisions, and if the latter, to what extent will decisions be supplanted, i.e., broad brush framework type decisions, or daily operational decisions? Stated more graphically, will the state agency use a "carrot and stick" model or a "swat team" approach? The "swat team" model may show some immediate gains, but unless the team is prepared to stay indefinitely, the former "carrot and stick" "arms length" stance may provide better results longitudinally. Furthermore, it enables the local school district to continue to run some things and therefore doesn't result in a situation in which the "operation was a success, but the patient died." (Steffy, Branham, 1990)

The Kentucky Department of Education adopted a helping role (Steffy, Branham, 1990). Extensive technical assistance was provided at the central office and school unit levels to upgrade the skills of existing school administrators (State Board Reports, 1989-90). By the beginning of the second year of the state receivership, visible changes were beginning to take place at the classroom level (Floyd Board Resolution, 1990). The state agency assumed the role of advisor, approver, and provider of technical assistance. While the state governing the intervention process appeared to give the state the latitude to remove the superintendent and board from office, it was felt that this action would be required if the Board and superintendent had not worked cooperatively with the state.

Another policy-political consideration is the degree of intervention in the daily operations of the district. Deciding what decisions are to be made by the local superintendent without consultation with the state department and what decisions must be approved by the state is quite important. For instance, may the local superintendent call a "snow day," recommend staff for employment, or evaluate personnel? The parameters for decision-making must be specified in writing, clearly defining expectations for the district and the state.

Political issues can be internal to the district and external. Internal political issues may include the number and power base of competing groups in the system. Is there a pattern in the district of competing power groups which elect members to the school board and change superintendents each time there is a shift in power? For example: the "in-power" group attempts to maintain its base through control of the majority of Board positions. Pressure builds in the community for change, the power base on the Board shifts, a new superintendent is hired, positions at central administration change, classified and non-classified personnel are transferred or terminated and the process begins again with the out-of-power group attempting to

regain power. When the school district is the largest employer in a community, there is a greater tendency for this type of power shifting to occur.

A related political consideration is how the in-power and out-of-power groups relate to other sub-groups like the teachers association, community business leaders and local government officials.

Another internal political problem relates to the extent of inbreeding within the district. In the districts, it is common to find two or three powerful "education families" supplying a disproportionate number of staff at all levels in the organization. Principals with immediate family members working on their staff, superintendents who employ their spouses, board members with extended family members working in the district can create internal political problems in the intervention process. Often local government officials and those enjoying substantial contracts with the district are related to key district employees.

External political issues include how to deal with combating outside political influence, and setting up effective communication channels with the media, community, and the district. State intervention is big news. Sub-groups attempt to utilize it to their advantage. These sub-groups attempt to tap into the political system to use the intervention as a platform for dealing with a multitude of issues which range from securing teacher raises to campaigning for the next board election. Maintaining objectivity on the part of state intervention staff is quite difficult.

If the intervention strategy adopted is one placing department staff on-site, there is a tendency for the on-site staff to become co-opted into the internal political power system of the district. This can result in a loss of objectivity and effectiveness. At the same time, groups out-of-power will attempt to use intervention staff to discredit local improvement efforts.

All sub-groups will attempt to use the media to project their position. The best way to balance these competing forces is to develop and maintain an open communication system which attempts to keep accurate information available to all groups.

Technical issues include establishing baseline data measuring progress, reporting mechanisms, and team composition. The data base which leads to intervention usually includes indicators like student achievement, student attendance and dropout rates, and financial status. These are indicators of system dysfunction. The problems causing system dysfunction are generally more systemic and relate to the system's inability to manage its resources, both personal and financial, in an effective way. In order to change the indicators, the root problems with the system must be addressed. This takes time.

Since there will be a great deal of pressure to show quick results it is imperative that baseline data in a wide variety of areas be collected. One method for accomplishing this is to conduct a curriculum audit (English, 1988) as part of the

intervention process. The curriculum audit is a procedure to assess the ability of the district to operate as a system and utilize the resources available, both human and financial, to improve the productivity of the system. The audit utilizes five standards to assess the effectiveness of the system to manage itself. The audit gets to the issues which produce the indicators that lead to intervention (Floyd Audit, 1989; Whitley Audit, 1990). It is an appropriate procedure not only to document where the district is, but the recommendations in the audit serve as a basis for planning the changes which need to take place in the district in order to produce the desired changes in the indicators.

Other baseline data sources may include a financial audit of the district, and a school climate assessment including data from students, teachers, and community. These reports become a basis for documenting progress made by the district. For instance, the audit may report that the district has no long range strategic planning process and make a recommendation to begin that process. Periodic progress reports would document district training in strategic planning, the formation of the committee to begin the process, and the plans produced by the strategic planning team. The audit may show that the current board policy is inadequate for guiding instructional management and recommend that the policy manual be reviewed and revised. The interim reports would document the progress. Administrative leadership training, rewritten job descriptions, curriculum development procedures, and lesson plan monitoring are all areas which probably need attention before student indicator data will change. It is important to be able to track the progress leading to anticipated changes in these indicators since they are generally long term efforts.

Early in the process, it may be possible to produce financial changes which can result in a balanced budget. It is not unusual for districts experiencing difficulty leading to state intervention to be districts which are overstaffed in several areas. Staff reductions can bring about a balanced budget and this may be one of the first, very visible results produced by state intervention.

Whatever the strategy, it is important to plan out a two-year procedure to document activities leading to an anticipated change in student indicators.

Developing a plan for the systematic reporting of information to the state board, the local board, the community and the school district is critical. It is recommended that this plan be part of the initial planning so that each constituency knows what to expect and when. The plan can include newsletters from the state department, the local superintendent, the building principals and any other source deemed important to documenting the progress being made. State board members will expect periodic reports at public board meetings. How often the core team reports to the local board should be decided early on. It is important to designate an official contact for the local district and the state so that reporters and community members know who to contact for information. If there are no official contacts, then there are often conflicting reports given to various groups. This can lead to mistrust and misinformation. These are tense situations. If possible, there should be a mechanism established for periodic joint-reporting at the local board meeting and the state board meeting by the core team and district central administration.

The composition of a core team can be the pivotal issue which will make this a successful endeavor or doom it to failure. Decisions such as size of the team, to whom they report, number of days spent on site, are all critical. Core team members must have the highest levels of credibility and competence. The team should be small. The

Kentucky model consisted of a 4-member core team, three state department representatives and the local district superintendent. One state department core team member was a high-ranking state department official at the deputy superintendent level. She served to guide the activities of the intervention and provided the communication link to the state board of education. The other two state department core team members were not full-time state department employees but served under special contract with the department. One provided management assistance and the other instructional assistance. The local superintendent provided the communication link to the local board of education and the rest of the school community. The core team directed the intervention activities.

Personnel issues include the level of competence within the intervention district and within the state department. A state strategy to provide massive technical assistance demands state department staff with a high degree of skill. As the core team identifies areas where additional technical assistance is required, the team must be able to call on state department staff which can deliver the needed skill development. In one of the intervention districts in Kentucky, the state department documented in excess of four hundred, on-site, technical assistance days.

A state intervention is a labor-intensive effort for the district and the state department. Both agencies are asked to take on additional responsibilities with little or no relief from their present job descriptions. If staff is overloaded to a large degree, it can lead to depression and burnout. There is little reward for the personnel providing

the technical assistance. On the contrary, they are often blamed by various sub-groups in the intervention community for lack of visible progress. Department staff working in these situations need to be prepared to handle the negative criticism they will encounter. It is not unusual for a consultant to encounter a "get the state department" session when the intent of the day is providing skill development for the administrative staff.

Financial issues involve who pays for what and how much money is available to support the intervention process. Most state departments do not have large amounts of undesignated money. Salaries of core team consultants must be paid. Also, the district will need additional funds to support the implementation of innovative programs, send staff to meetings and site visitations, and pay for materials and equipment. Generally, districts qualifying for intervention are districts experiencing financial difficulty and are operating or about to operate in the red. Funds to support all of the intervention activities are expected to come from the state. This can run into hundreds-of-thousands of dollars.

The legal issues run the gamut from the authority of the state to intervene in the district in the first place, to the personal liability of state department staff working in the district. In the Kentucky experience, both have been challenged. One of the intervention districts challenged the legality of the intervention on the basis that in previous years the state department had not treated all districts in the same manner and if the state department had indeed treated all districts the same, there would be additional districts identified for intervention. The district won its case and the state was ordered to move the district out of intervention status (Phase III). However, the court also required the state department to continue delivering the level of technical assistance provided during intervention (Whitley v Brock, 1990).

While the state department employees have some liability protection, they may not be protected from federal suits charging violation of an individual's civil rights. While state department staff may be confident that they have not violated any laws in this regard, it does not prevent an individual in the district from filing a federal suit. The cost of defense in these cases can be considerable. Protection against personal liability is of great concern to everyone involved in intervention cases.

Perhaps the largest dilemma facing the state educational agency is to what extent the department is willing and then able to address the issues of educational accountability and local control with regard for the interests of the children. Most school districts are run effectively and efficiently with the interests of children guiding their decisions. But not all! If a state agency is not willing to confront ineffective districts and demand improvement, who will? If a state agency decides not to intervene, the children attending schools in these ineffective districts are doomed indefinitely to a substandard education.

At a time when the United States is struggling to maintain its place as a world power, when statistics comparing the effectiveness of our educational system with other countries shows our student performance ranking near the bottom, when our federal constitution places the responsibility for education at the state level, we can not afford to ignore school districts which are failing to meet the needs of children. State departments must squarely face the issues, resolve the dilemmas, and proceed to demand the kind of accountability necessary to produce effective schools.

Recommended Steps to Follow in State Department Intervention

1. Document all actions on the basis of law, regulations, procedures, guidelines.
2. Review district data - determine status.
3. Be sure all districts are treated the same, follow regulations explicitly.
4. Notify districts of status, provide due process.
5. Develop intervention plan, be specific - who, what, when, where, how, and why.
6. Form core department intervention team.
7. Meet with local board in executive session to explain pending state legal action.
8. Prepare joint district/state department press release.
9. Meet with district administrative staff, explain how intervention strategy will work.
10. Meet with district teaching and support staff, answer questions.
11. Hold an open meeting with the community.
12. Conduct a curriculum audit.
13. Prepare monthly briefing memo describing activities.
14. Prepare written progress reports every six months.
15. Hold monthly Core Team Meetings.
16. Review district status yearly, modify plan accordingly.

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